

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

AMERICAN ASSOCIATION OF UNIVERSITY  
PROFESSORS, ET AL.,

Plaintiffs,

Case No. 1:25-cv-10685 (WGY)

v.

MARCO RUBIO, ET AL.,

Defendants.

**PLAINTIFFS' RESPONSE TO DEFENDANTS' SECOND MOTION TO COMPEL**

Plaintiffs write in brief opposition to Defendants' second motion to compel. ECF No. 173. Defendants claim that Plaintiffs have not disclosed the names of their witnesses. That is not true. Following the Court's order on Defendants' first motion to compel, Plaintiffs promptly disclosed the names of all the witnesses they intended to call at trial. Defendants have already deposed most of those witnesses and will be able to depose them all in advance of their trial testimony. In addition, Plaintiffs listed their trial witnesses in the joint pretrial memorandum, filed on June 25, 2025. ECF No. 161. None of those witnesses was a surprise to Defendants—all had previously been disclosed. (Defendants, by contrast, listed ten new witnesses they had never previously disclosed, several of which Plaintiffs will be unable to depose before trial—but we're not complaining.) Accordingly, the primary demand in Defendants' second motion to compel is for information they already have.<sup>1</sup>

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<sup>1</sup> To the extent Defendants are confused about whether Plaintiffs plan to call all of the individuals pseudonymously identified in the complaint, Plaintiffs made clear to Defendants in a meet and confer on June 12, 2025 that our trial witnesses and the individuals referenced pseudonymously in the complaint were different sets of people. Plaintiffs made this clear again in

With respect to documents, Defendants' motion is premature. Defendants served Plaintiffs with their requests for production and interrogatories on June 5, 2025. *See* Fed. R. Civ. P. 33(b)(2), 34(b)(2)(A). Consequently, Plaintiffs' responses are not yet due. Nonetheless, Plaintiffs have already been turning over documents to Defendants, even though we are not obligated to do so, and will continue to provide responsive materials on a rolling basis.

The Court should deny Defendants' motion.

June 30, 2025

Respectfully submitted,

/s/ Noam Biale

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our response to Defendants' first motion to compel, ECF No. 138, at 2, and in the email correspondence Defendants themselves attach to their second motion to compel, ECF No. 173, at 10-11. Plaintiffs are, of course, not required to call every individual mentioned in the complaint, and Defendants have been on notice of this issue for weeks. Plaintiffs intend to call one of the individuals pseudonymously identified in the complaint at trial: Prof. Al-Ali. Her identity was disclosed to the government in response to the Court's order of June 17, 2025.

**CERTIFICATE OF SERVICE**

I, the undersigned counsel, certify that on June 30, 2025, I electronically filed the foregoing motion in the United States District Court for the District of Massachusetts using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

Dated: June 30, 2025

/s/ Noam Biale

Noam Biale